

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Original) An optical recording medium that includes a phase change recording layer where reversible phase changes between a crystal phase and an amorphous phase are used,

wherein the recording layer includes at least Sb, Mn, and Te and, in a state corresponding to the crystal phase, has a structure where one diffracted ray is detected by X-ray diffraction as being present in each of three spacings (Å) of  $3.10 \pm 0.03$ ,  $2.25 \pm 0.03$ , and  $2.15 \pm 0.03$ , in a range of between 3.13 and 2.12 spacing inclusive, with diffracted rays not being detected in other ranges within the 3.13 to 2.12 spacing range.

2. (Original) An optical recording medium according to Claim 1,

wherein when indexing as a hexagonal lattice is performed in a state corresponding to the crystal phase, the recording layer has a structure where a lattice plane corresponding to the diffracted ray present in a range of the  $3.10 \pm 0.03$  spacing is capable of being indexed as a hexagonal (012) plane, a lattice plane corresponding to the diffracted ray present in a range of the  $2.25 \pm 0.03$  spacing is

capable of being indexed as a hexagonal (104) plane, and a lattice plane corresponding to the diffracted ray present in a range of the  $2.15 \pm 0.03$  spacing is capable of being indexed as a hexagonal (110) plane.

3. (Original) An optical recording medium that includes a phase change recording layer where reversible phase changes between a crystal phase and an amorphous phase are used,

wherein when indexing has been performed for a hexagonal lattice in a state corresponding to the crystal phase, the recording layer has a structure where an axial ratio  $c/a$  of a  $c$  axis length to an  $a$  axis length is between 2.558 and 2.676 inclusive.

4. (Currently Amended) An optical recording medium according to Claim 1 ~~any of Claims 1 to 3~~, wherein in the state corresponding to the crystal phase, the recording layer is constructed of a single phase with an A7 structure.

5. (New) An optical recording medium according to Claim 2, wherein in the state corresponding to the crystal phase, the recording layer is constructed of a single phase with an A7 structure.

6. (New) An optical recording medium according to Claim 3, wherein in the state corresponding to the crystal phase, the recording layer is constructed of a single phase with an A7 structure.